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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,742	02/25/2004	Christopher E. Bales	ORACL-01371US1	3001
23910	7590	05/12/2009		
FLIESLER MEYER LLP 650 CALIFORNIA STREET 14TH FLOOR SAN FRANCISCO, CA 94108			EXAMINER HEFFINGTON, JOHN M	
			ART UNIT 2179	PAPER NUMBER
			MAIL DATE 05/12/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/786,742	<b>Applicant(s)</b> BALES ET AL.	
	<b>Examiner</b> JOHN M. HEFFINGTON	<b>Art Unit</b> 2179	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6, 8, 9, 12-23, 25, 28, 29, 33-42, 45-60, 62-67 and 69-71 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8, 9, 12-23, 25, 28, 29, 33-42, 45-60, 62-67 and 69-71 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/23/09</u> .   | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This action is in response to the request for continued examination dated 9 March 2009. Claims 1, 18, 34 and 51 have been amended. Claims 69-71 have been added. Claims 7, 10, 11, 24, 26, 27, 30-32, 43, 44, 61 and 68 have been canceled. Claims 1-6, 8, 9, 12-23, 25, 28, 29, 33-42, 45-60, 62-67 and 69-71 are pending and have been considered below.

To expedite prosecution, the applicant should consider MPEP paragraph 714.12:

"Many of the difficulties encountered in the prosecution of patent applications after final rejection may be alleviated if each applicant includes, at the time of filing or no later than the first reply, claims varying from the broadest to which he or she believes he or she is entitled to the most detailed that he or she is willing to accept."

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9 March 2009 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-6, 8, 9, 12-23, 25, 28, 29, 33-42, 45-60, 62-67 and 69-71 have been considered but are moot in view of the new ground(s) of rejection.

### ***Double Patenting***

3. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

4. Claim 60 is objected to under 37 CFR 1.75 as being a substantial duplicate of claim 51. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 8, 9, 13-23, 28, 29, 33-39, 42, 46-56, 59, 60 and 63-67 are rejected under 35 U.S.C. 102(b) as being anticipated by Hutsch et al. (US 2001/0034771 A1).

Claim 1: Hutsch discloses an interactive tool that can configure a portal, comprising:

- a. a first user interface operable to define and/or manage the portal (paragraph 0156);
- b. a second user interface operable to define and/or manage entitlements for at least one portal resource (paragraphs 0156, 0324); and
- c. a content management user interface operable to define and/or manage content in a virtual content repository (VCR), wherein the VCR is a hierarchical representation of a plurality of individual content repositories such that the plurality of individual content repositories appear and behave as a single content repository (paragraphs 0024, 0025, 0109, 0110),
- d. wherein the portal operates to include a desktop and associated desktop resource that includes at least one of the following portal resources: a book, a page, a portlet, a shell, a look and feel, and a layout (paragraph 0095);
- e. wherein the entitlement is based on a user role, and wherein the interactive tool runs on at least one processor (paragraph 0324).

Claim 18: Hutsch discloses an interactive tool that can configure a portal, comprising:

- a. a first user interface operable to define and/or manage the portal (paragraph 0156);
- b. a second user interface operable to define and/or manage entitlements for at least one portal resource (paragraphs 0156, 0324); and

Art Unit: 2179

- c. a content management user interface operable to define and/or manage content in a virtual content repository (VCR), wherein the VCR is a hierarchical representation of a plurality of individual content repositories such that the plurality of individual content repositories appear and behave as a single content repository (paragraphs 0024, 0025, 0109, 0110),
- d. wherein the portal operates to include a desktop and associated desktop resource that includes at least one of the following portal resources: book, a page, a portlet, a shell, a look and feel, and a layout (paragraph 0095); and
- e. wherein an entitlement determines what capabilities are available to a portal visitor for the at least one resources (paragraph 0024);
- f. wherein the entitlement is based on user role, and wherein the interactive tool runs on at least one processor (paragraph 0324).

Claim 2: Hutsch discloses the interactive tool of claim 1, and Hutsch further discloses at least one user interface operable to define and/or manage one of: a desktop, a book, a page, a portlet, a shell, a theme, a menu, a look and feel, and a layout (paragraphs 0031, 0095, 0100).

Claim 3: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses a desktop can be defined based on a template (paragraphs 0031, 0095, 0100).

Art Unit: 2179

Claim 4: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses a desktop is a user-specific view of a portal (paragraphs 0094, 0095 and 0100).

Claim 6: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses the portal can be depicted graphically as a hierarchy of the at least one portal resources (paragraphs 0093, 0109, 0110, 0156).

7. (Cancel)

Claim 8: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses the first user interface includes a hierarchy browser (paragraphs 0093, 0109, 0110, 0156, figure 2D).

Claim 9: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses an entitlement determines what capabilities are available to a portal visitor for the at least one resources (paragraph 0324).

10. (Cancel)

11. (Cancel)

Art Unit: 2179

Claim 13: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses a portlet can dynamically present content (paragraph 0093).

Claim 14: Hutsch discloses the interactive tool of claim 1, and Hutsch further discloses a fourth user interface operable to define and/or manage personalization of the portal (paragraphs 0093, 0230).

Claim 15: Hutsch discloses the interactive tool of claim 14 and Hutsch further discloses the fourth user interface is operable to define and/or manage a content placeholder (paragraphs 0031, 0093, 0230, 0248).

Claim 16: Hutsch discloses the interactive tool of claim 14 Hutsch discloses the fourth user interface is operable to define and/or manage a content selector (paragraphs 0094, 0100).

Claim 17: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses a fifth user interface operable to define and/or manage delegated administration (paragraphs 0156, 0310, 0316).

Claim 70: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses the content management user interface is associated with a content model that represents a combined content of all repositories as a hierarchical namespace of nodes



Art Unit: 2179

and each content repository implements content management operations on the content model differently for the particular content repository (paragraphs 0024, 0025, 0109, 0110, 0135).

Claim 71: Hutsch discloses the interactive tool of claim 1 and Hutsch further discloses the content management user interface is associated with one or more content caches that are used to buffer search results and recently accessed content repositories (paragraph 0327).

Claims 19-21, 23, 25, 28, 29 and 33: Claims 19-23, 25, 28, 29 and 33 reflect the same limitations dependent from similar independent claim 18 of claims 2-6, 8, 13 and 17, respectively, and are rejected along that same rationale.

Claims 34-7, 39, 41, 42, 46-50: Claims 34-39, 41, 42, 46-50 reflect the steps of a method to be performed by the interactive tool of claims 1-6, 8, 9 and 13-17, respectively, and are rejected along that same rationale.

Claims 51-54, 56, 58, 59, 60 and 63-67: Claims 51-56, 58, 59, 60 and 63-67 reflect a machine readable medium having instructions stored thereon that when executed by a processor cause a system to execute the interactive tool of claims 1-6, 8, 9 and 13-17, respectively, and are rejected along that same rationale.

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

9. Claims 5, 22, 38 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutsch et al. (US 2001/0034771 A1) in view of Anuff et al. (US 2003/0056026 A1).

Claim 5: Hutsch discloses the interactive tool of claim 1, but does not disclose a third user interface operable to define and/or manage a desktop; and wherein the third user interface can render a preview of the desktop. However, Anuff discloses a user interface used to provide a preview of a portal or website (paragraph 0107). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the

Art Unit: 2179

invention to add a third user interface operable to define and/or manage a desktop; and wherein the third user interface can render a preview of the desktop to Hutsch. One could have been motivated to add a third user interface operable to define and/or manage a desktop; and wherein the third user interface can render a preview of the desktop to Hutsch in order to “control accessibility to the site,” as disclosed in Anuff (paragraph 0107).

Claim 22: Claim 22 reflects the same limitation dependent from similar independent claim 18 of claim 5 and is rejected along that same rationale.

Claim 38: Claim 38 reflects the steps of a method to be performed by the interactive tool of claim 5, respectively, and is rejected along that same rationale.

Claim 55: Claim 55 reflects a machine readable medium having instructions stored thereon that when executed by a processor cause a system to execute the interactive tool of claim 5, and is rejected along that same rationale.

10. Claims 12, 28, 45 and 62 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hutsch et al. (US 2001/0034771 A1) in view of (Hoffman et al. US 2003/0069766 A1).

Art Unit: 2179

Claim 12: Hutsch discloses the interactive tool of claim 1 but does not disclose the content management user interface allows a user to modify the VCR by dragging and dropping graphical objects representing VCR nodes. However, Hoffman discloses a hierarchy management feature wherein a node in a hierarchy can be dragged and dropped to another node in the hierarchy (paragraphs 1032, 1038). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to add the content management user interface allows a user to modify the VCR by dragging and dropping graphical objects representing VCR nodes to Hutsch. One could have been motivated to add the content management user interface allows a user to modify the VCR by dragging and dropping graphical objects representing VCR nodes to Hutsch because this feature, in addition to other features, is required to manage authorization and access with hierarchies (paragraph 1025).

Claim 28: Claim 28 reflects the same limitation dependent from similar independent claim 18 of claim 12 and is rejected along that same rationale.

Claim 45: Claim 45 reflects the steps of a method to be performed by the interactive tool of claim 12, respectively, and is rejected along that same rationale.

Claim 62: Claim 62 reflects a machine readable medium having instructions stored thereon that when executed by a processor cause a system to execute the interactive tool of claim 12, and is rejected along that same rationale.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN M. HEFFINGTON whose telephone number is (571)270-1696. The examiner can normally be reached on Mon - Fri 8:00 - 5:30 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JMH  
5/6/09

/Steven B Theriault/  
Primary Examiner, Art Unit 2179